

Eric L. Maassen

Partner

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Eric L. Maassen is a partner in the Litigation Department of Foley & Lardner LLP. Eric focuses on the areas of environmental litigation and fiduciary litigation.

In the area of environmental litigation, Eric has litigated a broad range of disputes, including defense of air and water permits, CERCLA and common law contribution and cost recovery suits, RCRA claims, private contamination liability cases, natural resource damages suits, insurance coverage for environmental liabilities, and claims for consultant liability for regulatory advice. Eric also has represented clients in private landowner trespass and nuisance actions, including stray voltage suits.

Eric has represented clients in a variety of industries, including electric generation and distribution, petroleum pipelines, consumer kitchen products, electric motor manufacturing, metal recycling, automated assembly systems, heavy vehicles, paper manufacturing and distribution, medical diagnostics, chemical process modeling software development, and the airline industry.

Before joining Foley, Eric served as a judicial clerk to the Hon. Rudolph T. Randa, U.S. District Court, Eastern District of Wisconsin.

Experience Matters – Environmental Litigation

- Defense of wetlands and waterways permit, water quality certification, and WPDES permit coverage for pipeline build project, including challenges to EIS, wetlands assessment and mitigation, and waterways crossings.
- Successful defense of major source construction air permit under Prevention of Serious Deterioration provisions for new generation project consisting of seven natural gas-fired reciprocating internal combustion engines, before agency and state courts, including challenges to EIS and BACT analysis regarding hybrid battery energy storage systems. Published decision at *Sierra Club v. Wisconsin Department of Natural Resources, Wisconsin Public Service Corporation and Wisconsin Electric Power*

Company, 2015 WI App 39.

- Successful defense of WPDES permit for electric generation facility.
- Representation of intervenor in a natural resource damages case brought by the State of Minnesota relating to perfluorochemicals in the Mississippi River.
- Prosecution of RCRA and CERCLA action on behalf of industrial site owner and operator to require prior tenant and chemical distributor to rectify soil and groundwater contamination by chlorinated solvents and petroleum.
- Representation of pulp and paper manufacturer in petition to United States Court of Appeals for the Eight Circuit challenging portion of federal implementation plan imposing sulfur dioxide BART limit under regional haze provisions of the Clean Air Act.
- Representation of environmental response trust in prosecution and defense of CERCLA contribution and cost recovery actions, pertaining to military industrial complex near Las Vegas, Nevada.
- Defense of pipeline company, and successful settlement achieved, in mass tort suit brought by more than 400 landowners arising out of a release of approximately 54,000 gallons of gasoline outside the town of Jackson, Wisconsin.
- Defense of paper and personal care products manufacturer with respect to the Fox River Superfund Site in Wisconsin, one of the largest Superfund sites in the country, with clean-up estimate for the entire site at over \$1 billion.
- Representation of landfill site remediation group in CERCLA contribution actions and insurance coverage litigation.
- Representation of metal recycler in engineering malpractice claim against consultant arising out of advice concerning MACT rules as applied to aluminum melting furnace.
- Representation of landfill trust in relation to contributing responsible parties.
- Representation of industrial companies against municipalities with respect to indemnity claims arising out of landfill contamination contribution suits.
- Representation of frac sand mining venture against landowners with respect to reclamation matters.

Practice Areas

- [Commercial Litigation](#)
- [Litigation](#)

Education

- The University of Virginia (J.D., 1997)
 - Notes Editor, *Virginia Journal of Social Policy and the Law*
- Wartburg College (B.A., summa cum laude, 1993)

Admissions

- Wisconsin
- United States District Courts for the Eastern District of Wisconsin and the District of Colorado
- Eighth U.S. Circuit Court of Appeals